



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

SLT:GMP
F. #2010R01661/OCDETF#NY-NYE-648Z

*271 Cadman Plaza East
Brooklyn, New York 11201*

November 13, 2013

By E-mail

Erin Stewart
United States Probation Officer
Eastern District of New York

Re: United States v. Martino Cekaj
Criminal Docket No. 11-486 (S-1) (DLI)

Dear Officer Stewart:

The government respectfully submits this letter pursuant to Fed. R. Crim. P. 32(f) to advise the Probation Department of the government's additional proposed corrections in the Presentence Investigation Report ("PSR") for the above-referenced defendant, which was disclosed on May 14, 2013.

Paragraphs 51 through 54 describe an assault of an inmate at the Metropolitan Detention Center ("MDC") by the defendant and several of his co-defendants in the instant case. As to the motive for the assault outlined in the PSR -- i.e., the defendant's mistaken belief that the victim was a cooperating witness -- the government is not in a position to prove that the defendant did, in fact, have that mistaken belief. Specifically, with regard to paragraph 51, the government is not in a position to prove many of the factual allegations concerning the victim's knowledge of the defendant's criminal organization or of any of the defendant's fugitive co-defendants. As such, the government does not believe that it can support such findings at a Fatico hearing, and does not intend to pursue an obstruction of justice argument at sentencing. For this reason, the government joins the defendant's objections to paragraph 51 insofar as it addresses the defendant's knowledge of the victim's purported knowledge of the defendant's criminal organization and/or the victim's purported knowledge at the time of the assault. The government therefore agrees with the defendant that all references to obstruction of justice should be stricken from the PSR.

The government is also unable to prove the allegations contained in paragraph 52. Therefore, the government requests that it be stricken from the PSR as well.

